



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5720

PERS 00J6/20160513

July 7, 2016

Mr. John Sharpe
13088 Lighthouse Lane
Carrollton, VA 23314

Dear Mr. Sharpe:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request of July 1, 2016. You seek a copy of a Memorandum of Understanding (MOU) between PERS or and NCIS (and possibly others) governing the post-selection board check of records on selectee names. Your request was received in this office on July 5, 2016, has been assigned FOIA case file number CNPC20160513 by this command.

A copy of the responsive document is enclosed. Should you wish to discuss the processing of your request by this command, you may contact the undersigned at (901) 874-3165.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. German", is written over a horizontal line.

D. P. GERMAN
FOIA/PA Officer
By direction



MEMORANDUM OF UNDERSTANDING

AMONG

BUREAU OF NAVAL PERSONNEL (BUPERS)
COMMANDANT OF THE MARINE CORPS (MARA)
NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS)
DEFENSE INVESTIGATIVE SERVICE (DIS)
OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(INTELLIGENCE & SECURITY) OASD (C3I)

Subj: USE OF THE DEFENSE CLEARANCE AND INVESTIGATIONS INDEX FOR
DEPARTMENT OF THE NAVY PROMOTION BOARD SCREENING

Ref: (a) DODINST 1320.4 of 14 Mar 95

1. PURPOSE. The purpose of this agreement is to establish policy and procedures to be utilized for promotion board screening using information contained in the Defense Clearance and Investigations Index (DCII) system. This Memorandum of Understanding (MOU) constitutes guidance for processing post-promotion board screening requests originated by the Navy and Marine Corps, hereinafter referred to as the Services.

2. BACKGROUND.

a. Reference (a) is a revision of an earlier DoD Instruction 1320.4 which required DoD to fully inform the President and the Senate of adverse information relating to general and flag officers who are the subject of military officer personnel actions. Promotion of these officers was specified as a military officer personnel action within the authority of the reference and the focus was primarily on officers of general/flag rank. In revising the previous DoD instruction however, the new instruction was expanded to include all personnel actions involving officers in grades O-1 through O-10.

b. Promotion authorities within the Services have elected to use the DCII as part of the promotion board screening process. The DCII provides a reference for investigations on individuals which have been conducted by authorities within DoD. By utilizing the DCII terminal, users can access a listing of investigations which contains codes for adverse information on the individual being screened. Service officials then may request copies of investigations from the cognizant agency within and outside of the Department of the Navy.

c. Considering the potential impact of voluminous requests on the DCII from both Services, OASD(C3I and OGC) have set limitations on its use. This agreement defines the limitations imposed by DoD and establishes an agreement between the Services, DIS and DoD regarding access to the DCII and related investigative information.

3. APPLICABILITY. OASD (C3I) has approved use of the DCII for officer personnel actions in grades O-4 through O-10. Therefore, this agreement applies only to post-promotion board screening requests as follows:

Navy: All officers (active duty and reserve) selected for promotion to Lieutenant Commander (O-4) through Admiral (O-10).

Marine Corps: All officers (active duty and reserve) selected for promotion to Major (O-4) through General (O-10).

4. POLICY. The organizations making this agreement, hereinafter referred to as the parties, agree to adopt the following policy until a SecNav Instruction which implements reference (1) can be promulgated:

a. The parties agree to cooperate in meeting promotion board list submission deadlines for forwarding to the Secretary of the Navy and above.

b. The parties agree to the policy established by DoD (OASD C3I & OGC) regarding the limitations imposed on use of the DCII and associated investigative information for promotion board screening.

c. The parties agree that the use of the DCII for promotion board screening purposes is granted as an exception under paragraph 10-100, DoD 5100.2-R by OASD(C3I), for the specific purpose cited in this document. DIS investigative files are not part of this agreement.

d. The parties agree to ensure that only authorized personnel operate the DCII terminal and review investigative file information. All DCII terminal users must have been the subject of a favorably completed SSBI.

e. The parties agree that information extracted from the DCII and investigations retrieved as a result of such inquiry will be handled only by authorized personnel and that the contents of all documents will be treated as "For Official Use Only" unless a higher level of handling is specified.

5. PROCEDURES. The parties will adhere to the following procedures in implementing the terms of this agreement:

a. The Navy and the Marine Corps will each use their DCII accounts to generate tracings and will highlight those investigations of interest prior to transmitting them to NCIS.

b. Requests for copies of investigations indicated in the tracings will be forwarded by courier to NCIS under a cover letter signed by officers designated by Service Chiefs in the Navy and Marine Corps.

c. NCIS will retrieve investigations highlighted in the tracings and provide a copy of information approved for release to designated officials of the Services.

d. NCIS will implement procedures to safeguard the contents of promotion lists from premature disclosure to unauthorized persons.

e. If copies of NCIS investigative reports are to be provided to affected officers, those reports must be redacted in accordance with the Freedom of Information Act (FOIA) and Privacy Act (PA).

(1) Ordinarily, affected officers would submit FOIA/PA requests to NCIS Headquarters and those requests would be answered by the NCIS FOIA/PA branch under the oversight of the NCIS legal office.

(2) However, in the interest of providing a more timely release of information, the Services may conduct FOIA/PA redaction of NCIS reports of investigation, subject only to a quality control check by NCIS Headquarters.

(3) If a Service desires to release an investigative report originated by an agency other than NCIS, for example an Army CID or Air Force OSI report, liaison may be made directly with officials within those other services.

f. Contact teams of authorized Navy and Marine Corps personnel may review investigations at NCIS Headquarters with prior coordination.

g. Traditional procedures for obtaining criminal investigation records will not be circumvented by this agreement. Specifically, only members of the naval service whose names appear on promotion lists may be screened for adverse information within the authority established in this agreement.

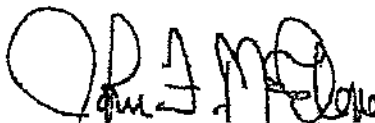
6. MODIFICATION AND REVIEW.


a. This agreement may be changed upon written notification by one or more parties to all other parties indicated herein. Any changes agreed to by the parties will constitute a new MOU.

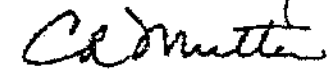
b. The parties agree to review this MOU on the third year anniversary of the last signature date indicated below.

7. EFFECTIVE DATE. This agreement is effective upon the last date indicated on the signature page which follows:


SIGNATURE PAGE
FOR
MEMORANDUM OF UNDERSTANDING


John F. McEleny 11 Oct 96
Deputy Director, NCIS Date


Steven F. Schaffner 17 Oct 96
Principal Deputy Director, DIS Date


LtGen C. A. Mutter 11 Dec 96
DC/S Manpower & Reserve Affairs Date


VAdm D. T. Oliver 1/21/97
Chief of Naval Personnel Date


Douglas G. Perritt 3/11/97
Principal Director Date
OASD (IWSCI)